

Order

Michigan Supreme Court
Lansing, Michigan

December 30, 2009

Marilyn Kelly,
Chief Justice

138963

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 138963
COA: 291275
Wayne CC: 00-002572-FH

MACCEO ROZIER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 15, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court, and REMAND this case to that court for resentencing. On remand, the trial court shall sentence the defendant within the appropriate sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Hendrick*, 472 Mich 555 (2005), *People v Babcock*, 469 Mich 247 (2003), and *People v Smith*, 482 Mich 292 (2008). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

WEAVER, J. (*dissenting*).

I dissent from the order remanding this case to the trial court. Applying the analysis of my partial dissent and partial concurrence in *People v Babcock*, 469 Mich 247, 280-284 (2003), I would deny leave. The trial court satisfied the requirement of “a substantial and compelling reason” for its departure from the sentencing guidelines, MCL 769.34(3), and its decision did not venture beyond the range of principled outcomes under the circumstances.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 30, 2009

Corbin R. Davis

Clerk